

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

YI JAE KYUNG,  
Plaintiff,

v.

TIMOTHY S. AITKEN, et al.,  
Defendants.

Case No. [18-cv-06009-JSC](#)

**ORDER TO SHOW CAUSE  
IMMIGRATION HABEAS CASE**

Re: Dkt. No. 1

Petitioner, a detainee in immigration custody, filed a habeas corpus petition pursuant to 28 U.S.C. § 2241. He has paid the \$5.00 filing fee. Petitioner challenges his post-removal order of detention as unlawful under 8 U.S.C. § 1231(a)(6)(4)(A) as interpreted by the United States Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001), because Petitioner has been detained longer than six months and he has ““good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.”” (Dkt. No. 1 at 4) (quoting *Zadvydas*, 533 U.S. at 701).

Petitioner’s claim, when liberally construed, is cognizable and potentially meritorious. Good cause appearing, Respondent is hereby ordered to show cause why the petition should not be granted.

In order to expedite the resolution of this case, it is further ordered as follows:

1. The Clerk shall serve Respondent and Respondent’s attorney, the Attorney General of the United States, with a copy of this order and the petition with all attachments.
2. Respondent shall file with the court and serve on petitioner, within 20 days of service of the petition and this order, an answer showing cause why a writ of habeas corpus should not be granted based on the claims found cognizable herein. Respondent shall file with the answer and serve on Petitioner a copy of all portions of the administrative record that have been transcribed

1 previously and that are relevant to a determination of the issues presented by the petition.

2 If Petitioner wishes to respond to the answer, he shall do so by filing a traverse with the  
3 court and serving it on Respondent within 7 days of the date the answer is filed.

4 3. The Clerk shall send notice Respondent regarding consenting to the jurisdiction of a  
5 magistrate judge and shall serve this Order to Show Cause on the United States Attorney for the  
6 Northern District of California.

7 **IT IS SO ORDERED.**

8 Dated: October 3, 2018

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11 JACQUELINE SCOTT CORLEY  
12 United States Magistrate Judge  
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